

EXHIBIT "A"

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 ----- x

5 YOLANDA BEJASA-OMEGA,

6 Plaintiff, Docket No.

07 Civ.2950 (SWK)

7 -against-

8 PV HOLDING CORP., and RONALD M. SKLON,

9 Defendants.

10 ----- x

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13 DEPOSITION of the Plaintiff, YOLANDA
14 BEJASA-OMEGA, taken by the Defendants, pursuant to
15 Order, held at the offices of Barrister Reporting
16 Service, 120 Broadway, New York, New York, on
17 August 9, 2007, at 11:37 a.m., before a Notary
18 Public of the State of New York.

19

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22 *****

23 BARRISTER REPORTING SERVICE, INC.

120 Broadway

24 New York, N.Y. 10271

212-732-8066

25

2 A P P E A R A N C E S:

3

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22 Attorneys for Defendant

23 RONALD M. SKLON

24 1140 Franklin Avenue

25 Garden City, New York 11530

26 BY: MICHAEL K. ADAMS, ESQ.

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29 XXXXX

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2 STIPULATIONS

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4 IT IS HEREBY STIPULATED AND AGREED by
5 and between the attorneys for the respective
6 parties herein, that filing, sealing and
7 certification, and the same are, hereby
8 waived.

9

10 IT IS FURTHER STIPULATED AND AGREED that
11 all objections except as to the form of the
12 question, shall be reserved to the time of the
13 trial.

14

15 IT IS FURTHER STIPULATED AND AGREED that
16 the within deposition may be signed and sworn to
17 by an officer authorized to administer an oath,
18 with the same force and effect as if signed and
19 sworn to before the Court.

20

21 xxxxxx

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25

2 Y O L A N D A B E J A S A - O M E G A ,

3 Having been first duly sworn before a
4 Notary Public of the State of New York, was
5 Examined and testified as follows:

6 EXAMINATION BY

7 MR. ADAMS:

8 Q. Please state your name for the record.

9 A. Yolanda Bejasa-Omega.

10 Q. Please state your address for the
11 record.

12 A. 60-32 Booth Street, Rego Park, New
13 York 11373.

14 Q. Good morning, Mrs. Bejasa-Omega. My
15 name is Michael Adams. I represent the
16 defendant Ronald Sklon in this lawsuit. I am
17 going to ask you some questions about the
18 accident that occurred on October 27, 2006.

19 I would just ask that you if don't
20 understand any of my questions, please tell
21 me that. Also, I need you to wait until I
22 finish the question because the court
23 reporter can only take down one of us
24 speaking at a time. For the same reasons I
25 need you to give a spoken response as opposed

1 Y. Bejasa-Omega
2 to a nod or a shake of the head or another
3 gesture, again, because she can only take
4 down what you say.

5 Finally, if your attorney should
6 object to any of my questions, please don't
7 say anything until we try to work out any
8 objections that he may have. Okay?

9 A. Okay.

10 Q. How long have you lived at your
11 present address?

12 A. Twelve years.

13 Q. Does anybody live there with you at
14 the present time?

15 A. My husband.

16 Q. What is his name?

17 A. Arturo Omega.

18 Q. Does anyone besides your husband live
19 with you at the present time?

20 A. Nobody.

21 Q. What is your date of birth?

22 A. December 2, 1947.

23 Q. What is your Social Security number?

24 A. 554-63-4241.

25 Q. Were you involved in an accident on

1 Y. Bejasa-Omega

2 October 27, 2006?

3 A. Yes.

4 Q. Were you a pedestrian crossing a
5 street when the accident happened?

6 A. Yes.

7 Q. Where did the accident happen?

8 A. At the corner of 44th Street and
9 Second Avenue in Manhattan.

10 Q. Approximately what time of day did the
11 accident take place?

12 A. I believe it's 8:30.

13 Q. In the morning?

14 A. Yes.

15 Q. Do you remember the weather at the
16 time of the accident?

17 A. Sunny.

18 Q. When the accident happened, where were
19 you coming from and where were you going to?

20 A. I'm coming from Third Avenue going
21 toward east.

22 Q. Specifically where on Third Avenue
23 were you?

24 A. Third Avenue and 44th Street.

25 Q. What was located at Third Avenue and

1 Y. Bejasa-Omega

2 44th Street that you were leaving?

3 A. Excuse me?

4 Q. Specifically what at Third Avenue and
5 44th Street; was it a subway stop, an office?

6 A. It's a bus stop. I just got off at
7 the bus stop.

8 Q. Was anyone walking with you at the
9 time of the accident?

10 A. No.

11 Q. You said you were going east. What
12 was your destination?

13 A. First Avenue and 44th Street.

14 Q. What was located there?

15 A. My office.

16 Q. You were on your way to work?

17 A. Yes.

18 Q. Where were you working at the time?

19 A. At the United Nations.

20 Q. Did you have any specific time that
21 you were to be at work at the United Nations
22 that day?

23 A. Yes.

24 Q. What time was that?

25 A. 9:00.

1 Y. Bejasa-Omega

2 Q. Exactly where did the accident take
3 place? Was it on a sidewalk, a street, or
4 somewhere else?

5 A. On the street.

6 Q. What street were you walking on when
7 the accident happened?

8 A. I'm crossing Second Avenue at the
9 corner of 44th Street.

10 Q. Were you on the north side or the
11 south side of Second Avenue?

12 A. South side.

13 Q. Were you traveling east or west? You
14 said you were going to east on 44th Street?

15 A. East.

16 Q. At the corner of 44th Street, was
17 there a light for pedestrian traffic such as
18 a walk/don't walk type of light?

19 A. Yes.

20 Q. Did you stop at the corner before you
21 began proceeding across Second Avenue?

22 A. Yes.

23 Q. How long were you stopped before you
24 began to cross that street?

25 A. Probably a second.

1 Y. Bejasa-Omega

2 Q. Did you look at the light for
3 pedestrian traffic before you began to cross?

4 A. Yes.

5 Q. What did you see when you looked at
6 that light?

7 A. Walk sign.

8 Q. Was there a painted crosswalk for
9 pedestrian traffic at that intersection?

10 A. Yes.

11 Q. Where were you crossing in
12 relationship to the pedestrian crosswalk?

13 A. I was in the crosswalk.

14 Q. How far did you proceed across Second
15 Avenue before the accident happened?

16 A. How far?

17 Q. What distance did you walk across the
18 street before the accident happened?

19 A. The street had four lanes. I am on
20 the second.

21 Q. At the place where the accident
22 happened, was Second Avenue a one-way or a
23 two-way street?

24 A. A one-way going south.

25 Q. There were four southbound lanes of

1 Y. Bejasa-Omega

2 traffic on Second Avenue where you were
3 crossing?

4 A. Yes.

5 Q. You had proceeded entirely across one
6 and were in the second southbound lane of
7 traffic when the accident happened?

8 A. Yes.

9 Q. Were you at the beginning of that
10 second lane, in the middle, or almost through
11 it when the accident happened, if you
12 remember? How far into the second lane of
13 traffic were you when the accident happened?

14 A. Going to the third lane, on that side.

15 Q. You had almost reached the third lane
16 when the accident happened?

17 A. Yes.

18 Q. I think I neglected to say one thing
19 when I was giving my preliminary directions
20 to you. If you don't understand any of my
21 questions, please tell me that and I will
22 rephrase it so you do understand.

23 A. Thank you.

24 Q. Did the accident involve contact
25 between a motor vehicle and yourself? Did a

1 Y. Bejasa-Omega

2 vehicle come in contact with you?

3 A. Yes.

4 Q. Did you see the motor vehicle before
5 the contact occurred?

6 A. No.

7 Q. What was your first awareness that an
8 accident had happened; did you hear
9 something, feel something, or something else?

10 A. No.

11 Q. How did you first become aware that
12 you had been struck by a motor vehicle?

13 A. When I saw the vehicle next to me.

14 Q. What part of your body was struck by
15 the vehicle?

16 A. The left side.

17 Q. When you say the left side, can you be
18 more specific?

19 A. Here (indicating).

20 Q. You seem to be indicating your hip.

21 Was it your hip that was struck?

22 A. Hip, legs.

23 Q. Legs or your left leg or both?

24 A. Left leg.

25 Q. Can you describe the force of the

1 Y. Bejasa-Omega
2 impact of the vehicle into your left side?

3 A. I can't remember.

4 Q. Immediately before the contact
5 happened, did you hear any sounds?

6 A. No.

7 Q. Did you hear any horns or screeching
8 tires or anything else?

9 A. No.

10 Q. Did you hear anyone say anything by
11 way of any warning or anything before the
12 accident happened?

13 A. No.

14 Q. Where were you looking when the felt
15 the contact?

16 A. Toward where I am going.

17 Q. How would you describe pedestrian
18 traffic as you were crossing that
19 intersection; were there any other
20 pedestrians crossing in the walkway, if you
21 remember?

22 A. I can't remember.

23 Q. Do you know if the motor vehicle that
24 struck you was a car, a truck, a bus, or
25 something else?

1 Y. Bejasa-Omega

2 A. A car.

3 Q. Can you describe the car that struck
4 you?

5 A. It's a white car.

6 Q. Do you know the make or model?

7 A. No.

8 Q. Did the white car come in contact with
9 you once or more than once?

10 A. Once.

11 Q. As a result of that contact, what
12 happened to you?

13 A. I was on the street sitting and I had
14 a lot of pain.

15 Q. As a result of that impact, did your
16 body come in contact with the street?

17 A. Yes.

18 Q. What part of your body came in contact
19 with the street?

20 A. I can't remember.

21 Q. Did your body come in contact with
22 anything other than the white car in the
23 street during the accident?

24 A. No.

25 Q. Did you lose consciousness after you

1 Y. Bejasa-Omega

2 were struck by the car?

3 A. I can't remember.

4 Q. When you came to rest on the street,
5 did you say you were sitting?

6 A. Sitting.

7 Q. Were you bleeding from any part of
8 your body when you were sitting on the
9 street?

10 A. No.

11 Q. Immediately after the accident while
12 you were sitting on the street, did you feel
13 pain in any part of your body?

14 A. Yes.

15 Q. Where did you feel pain?

16 A. On my left foot.

17 Q. After you came to rest sitting on the
18 street, what happened next? Did anybody come
19 over to you? What happened after you were
20 hit by the car and you were sitting on the
21 street?

22 A. People came and asked me if I was okay
23 and I said no. The driver also asked me if I
24 am okay. I told him no.

25 Q. Other than asking you if you were

1 Y. Bejasa-Omega

2 okay, did the driver of the white car say
3 anything else to you?

4 A. No. He said if he can call 911, if I
5 needed an ambulance. I said yes.

6 Q. To your knowledge, did the driver of
7 the white car call 911?

8 A. Yes.

9 Q. How long did you remain sitting on the
10 street after the accident happened?

11 A. I can't remember. Until the ambulance
12 actually lifted me up.

13 Q. Did you remain in the street until the
14 ambulance arrived?

15 A. Yes.

16 Q. Approximately how long after the
17 accident did the ambulance arrive?

18 A. I can't remember.

19 Q. Was it more or less than fifteen
20 minutes?

21 A. More.

22 Q. After the driver spoke to you and
23 called 911 and the arrival of the ambulance,
24 in between that time, did anybody else come
25 over to you while you were in the street?

1 Y. Bejasa-Omega

2 A. No.

3 Q. Did the police come to the scene of
4 the accident?

5 A. Yes.

6 Q. Who got there first, the ambulance or
7 the police?

8 A. The police.

9 Q. Approximately how long after the
10 accident did the police arrive?

11 A. I can't remember.

12 Q. Did the police ask you what had
13 happened?

14 A. Yes.

15 Q. Do you recall what you told them?

16 A. I said the car hit me.

17 Q. Did the police have a conversation
18 with the driver of the white vehicle, to your
19 knowledge?

20 A. I saw the driver with the policeman.

21 I didn't hear what they were talking about.

22 Q. Did anyone tell you that they saw the
23 accident?

24 A. No. I don't know.

25 Q. Do you know an individual named Sonia

1 Y. Bejasa-Omega

2 Bahovic?

3 A. Oh, yes.

4 Q. How do you know Sonia?

5 A. I don't know her. She just came to me
6 and introduced herself, that she works at the
7 United Nations. And she said if I need
8 something. She said, "Do you want me to call
9 911?" But she can't find her phone number,
10 so then the driver came and asked to call the
11 ambulance.

12 Q. Had you known Sonia before the date of
13 the accident?

14 A. No.

15 Q. She just came?

16 A. Yes.

17 Q. Did she ever tell you she saw the
18 accident happen?

19 A. No.

20 Q. Other than Sonia and the driver of the
21 white vehicle and the police and the
22 ambulance, did anybody else speak with you
23 while you were at the accident scene?

24 A. My office mate saw me and I told her
25 to tell the office that I had an accident,

1 Y. Bejasa-Omega

2 that I would not be working for that day.

3 Q. Do you remember the name of that
4 person?

5 A. Janinaki Murthy, J-A-N-I-N-A-K-I,
6 M-U-R-T-H-Y.

7 Q. When the ambulance arrived at the
8 scene, what, if anything, did they do?

9 A. Who?

10 Q. The ambulance people.

11 A. They asked me if I can stand up. I
12 said no. So they have to carry me to the
13 stretcher.

14 Q. Did you make any complaints to the
15 ambulance people about any other parts of
16 your body other than your left foot?

17 A. No.

18 Q. Did the ambulance take you to a
19 hospital?

20 A. Yes.

21 Q. What hospital did they take you to?

22 A. Bellevue Hospital.

23 Q. Did you receive any treatment while
24 you were in the ambulance on the way to
25 Bellevue?

1 Y. Bejasa-Omega

2 A. Yes.

3 Q. What treatment did you receive?

4 A. Ice pack.

5 Q. To your left foot?

6 A. Yes.

7 Q. Did they do anything else for you in
8 the ambulance?

9 A. No.

10 Q. What were your complaints when you
11 arrived at Bellevue Hospital?

12 A. I had a lot of pain in my left foot.

13 Q. What treatment did you receive at
14 Bellevue Hospital?

15 A. They have it x-rayed and they put a
16 cast and they gave me crutches.

17 Q. What was the cast made out of?

18 A. Wood. Oh, the cast?

19 Q. Yes.

20 A. I'm sorry.

21 Q. The crutches were made out of wood,
22 I'm guessing.

23 A. I'm sorry.

24 Q. Was it a plaster cast or a plastic
25 cast or something else, if you know? Only if

1 Y. Bejasa-Omega

2 you remember.

3 A. I don't know. Probably plastic cast.

4 Q. Where did the cast --

5 A. Paper mache.

6 Q. Where did the cast extend from; did it
7 cover your toes or just above your toes?

8 A. Halfway of my toes and up to my legs.

9 Q. How far up your leg did the cast go?

10 A. Below the knee.

11 Q. Did anyone tell you what the x-rays
12 showed while you were at the hospital?

13 A. There is a broken bone.

14 Q. Did you leave the hospital the same
15 day?

16 A. Yes.

17 Q. Where did you go when you left the
18 hospital?

19 A. Home.

20 Q. How did you get there?

21 A. My son, my husband, and my son-in-law
22 came and they picked me up.

23 Q. Did they drive you home?

24 A. Yes.

25 Q. Did you get any medication while you

1 Y. Bejasa-Omega

2 were at the hospital?

3 A. Morphine for the pain.

4 Q. Morphine?

5 A. Morphine for the pain.

6 Q. Was that a pill or injection or
7 something else?

8 A. Pill.

9 Q. Did they give you a prescription or
10 just some pills?

11 A. No. Just pills.

12 Q. What did you do when you got home?

13 A. Rest.

14 Q. When was the next time you saw any
15 medical providers for the injuries you
16 received in this accident?

17 A. After a week.

18 Q. Where did you go then?

19 A. Dr. Tejwani.

20 Q. Is that T-E-J-W-A-N-I?

21 A. Yes.

22 Q. Where was Dr. Tejwani located?

23 A. One second.

24 Q. Is it in Manhattan?

25 A. Yes.

1 Y. Bejasa-Omega

2 Q. Had you ever seen Dr. Tejwani before
3 this accident?

4 A. No.

5 Q. Were you referred to Dr. Tejwani by
6 anybody?

7 A. Referred by the hospital.

8 Q. Your initial hospital, Bellevue,
9 correct?

10 A. Yes, by Bellevue.

11 Q. To your knowledge, is Dr. Tejwani an
12 orthopedic surgeon?

13 A. Yes.

14 Q. What were your complaints when you saw
15 Dr. Tejwani for the first time after this
16 accident?

17 A. He knew that I have a fracture, and he
18 saw the x-ray, and I have a lot of pain on my
19 ankle.

20 Q. What, if anything, did Dr. Tejwani do
21 the first time that you saw him? What did
22 Dr. Tejwani do the first time you went to see
23 him about a week after this accident?

24 A. I'm sorry?

25 Q. When you went to see Dr. Tejwani the

1 Y. Bejasa-Omega
2 first time, about a week after this accident,
3 what did he do? What did he do to you? Did
4 he examine you?

5 A. Yes, he ordered for an x-ray.

6 Q. Was that done in his office?

7 A. Yes, in the office.

8 Q. Did he do anything else besides the
9 x-ray?

10 A. No.

11 Q. Did you still have the cast on at that
12 point?

13 A. Yes.

14 Q. Did he discuss the x-ray with you?

15 A. Yes, he said that I have a broken bone
16 and that I have -- I have to have an
17 operation to correct it.

18 Q. Did he tell you that during that first
19 visit?

20 A. Yes.

21 Q. Did you have that operation done?

22 A. Yes, after a week.

23 Q. A week after the first visit to Dr.
24 Tejwani?

25 A. Yes.

1 Y. Bejasa-Omega

2 Q. Where was the operation done?

3 A. One second. I think November 7th.

4 Q. That's when the operation was done?

5 A. Yes.

6 Q. Where was it done?

7 A. In New York Hospital for Joint
8 Disease.

9 Q. When you were admitted to the hospital
10 for that operation, did you stay more than
11 one night?

12 A. No.

13 Q. Was it done on the day of the accident
14 on an outpatient basis?

15 A. Yes.

16 Q. Do you know what the operation
17 consisted of?

18 A. I can't understand.

19 Q. Do you know what the operation was?
20 Was it arthroscopic surgery or something
21 else?

22 MR. SAKKAS: In other words,
23 what did they do for you in the
24 operation? As best you can explain
25 it.

1 Y. Bejasa-Omega

2 A. They put a plate.

3 Q. Did he have to make an incision to put
4 that plate in?

5 A. Yes.

6 Q. Was that in your ankle or some other
7 part of your foot?

8 A. Ankle.

9 Q. Did Dr. Tejwani tell you whether that
10 plate was going to be in your ankle
11 permanently or whether he intended to take it
12 out at some point?

13 A. Permanently.

14 Q. After the operation you were released
15 the same day?

16 A. Yes.

17 Q. After you went home from the hospital,
18 after the surgery, when was the next time
19 that you saw any medical doctors for your
20 injuries?

21 A. The next time?

22 Q. When did you follow-up with Dr.
23 Tejwani after the surgery?

24 A. After the surgery I have a stroke on
25 November 13th.

1 Y. Bejasa-Omega

2 Q. Where were you when you had the
3 stroke?

4 A. North Shore Hospital in Forest Hills,
5 Queens.

6 Q. Is that where you went to after the
7 stroke began to occur?

8 A. Yes.

9 Q. Where were you specifically when you
10 began to --

11 A. At home.

12 Q. At North Shore University Hospital?

13 A. Yes.

14 Q. Which one, because there are several?

15 A. The one in Forest Hills.

16 Q. What did they do for you when you went
17 to North Shore University Hospital in Forest
18 Hills?

19 A. I had a series of MRIs, under
20 observation.

21 Q. Did you stay in the hospital
22 overnight?

23 A. Yes.

24 Q. How many days were you admitted to the
25 hospital?

1 Y. Bejasa-Omega

2 A. A week.

3 Q. Was there one doctor who was primarily
4 in charge of your care while you were in that
5 hospital?

6 A. Yes.

7 Q. Who was that?

8 A. Dr. Jhiansi Rao.

9 Q. J-H-I-A-N-S-I, R-A-O?

10 A. Yes.

11 Q. Other than taking MRIs and observing
12 you, what, if anything, else did they do with
13 regard to your stroke while you were in the
14 hospital? Did they give you any medication
15 or anything else?

16 A. I can't remember.

17 Q. After a week you were released from
18 that hospital?

19 A. Yes.

20 Q. Did you go home after that?

21 A. Yes.

22 Q. Did you follow-up with Dr. Rao after
23 you were released from the hospital?

24 A. No.

25 Q. What, if anything, did Dr. Rao tell

1 Y. Bejasa-Omega
2 you when he released you from the hospital
3 after they were observing you for the stroke?
4 Did he give you any instructions?
5 A. No, just to see my cardiologist.
6 Q. Did Dr. Rao tell you whether he felt
7 that the stroke that he was treating you for
8 was related to your accident in October?
9 A. I can't remember.
10 Q. Did you tell Dr. Rao that you had been
11 in a motor vehicle accident when he was
12 treating you for these symptoms?
13 A. Yes.
14 Q. What, if anything, did he say in
15 response to that?
16 A. I can't remember.
17 Q. Did you follow-up with your
18 cardiologist?
19 A. Yes.
20 Q. Had you been seeing a cardiologist
21 before this incident?
22 A. Yes.
23 Q. Who is that?
24 A. Dr. Warschauer.
25 Q. Can you spell that?

1 Y. Bejasa-Omega

2 A. W-A-R-S-C-H-A-U-E-R.

3 Q. Had you been treating with Dr.

4 Warschauer for any cardiac problems before
5 this incident?

6 A. No, just for physical checkup.

7 Q. When did you see Dr. Warschauer for
8 the first time after your admission to North
9 Shore Hospital?

10 A. For the first time, after the
11 accident?

12 Q. After you were released from North
13 Shore at Forest Hills?

14 A. I can't remember.

15 Q. Did you see Dr. Warschauer between the
16 time of the motor vehicle accident and when
17 you were admitted to North Shore Hospital?

18 A. I went to Dr. Warschauer for clearance
19 for the operation.

20 Q. Did he tell you about any problems at
21 that time?

22 A. No, he just tell me to stop Coumadin,
23 what I am taking.

24 Q. How long had you been taking Coumadin
25 before this operation?

1 Y. Bejasa-Omega

2 A. Probably six months.

3 Q. Were you taking Coumadin on the day of
4 the accident?

5 A. Yes.

6 Q. What condition were you taking it for?

7 A. What is it again?

8 Q. Why were you taking Coumadin?

9 A. For prevention for stroke.

10 Q. Was that prescribed by Dr. Warschauer?

11 A. Yes.

12 Q. Had you resumed taking the Coumadin
13 after the operation and before you were
14 admitted to North Shore Hospital?

15 A. Yes.

16 Q. When did you start taking it again?

17 A. Two days after the operation.

18 Q. How long before the operation did you
19 stop taking it?

20 A. I think three days.

21 Q. When you saw Dr. Warschauer after your
22 admission to North Shore Hospital, did you
23 discuss that hospitalization with him?

24 A. The doctor from North Shore, get in
25 touch with him.

1 Y. Bejasa-Omega

2 Q. Dr. Rao?

3 A. Yes.

4 Q. But did Dr. Warschauer discuss with
5 you anything about your hospitalization at
6 North Shore?

7 A. No.

8 Q. Did he ever discuss with you whether
9 you had a stroke?

10 A. I can't say. It was the doctor who
11 told him that I have a stroke.

12 Q. You believe the Dr. Rao told him you
13 had a stroke. I am trying to understand your
14 testimony.

15 A. Yes. What?

16 Q. My question was, did Dr. Warschauer
17 discuss with you whether Dr. Warschauer
18 believed that you had a stroke?

19 A. I can't remember.

20 Q. What, if anything, did Dr. Warschauer
21 do the first time that you went to see him
22 after you were released from North Shore
23 Hospital?

24 A. He told me to see Dr. Segal, if I have
25 some damages from the stroke.

1 Y. Bejasa-Omega

2 Q. Who is Dr. Segal? Is he associated
3 with Cornell University Hospital?

4 A. Yes.

5 Q. He is a neurologist?

6 A. Yes.

7 Q. Had you ever seen Dr. Segal before
8 that incident?

9 A. No.

10 Q. Did you go to him after you got the
11 referral from Dr. Warschauer?

12 A. Yes.

13 Q. What were your complaints, if any,
14 when you went to see Dr. Segal?

15 A. I told him I was diagnosed with --
16 that I have a heart attack, and that Dr.
17 Warschauer wants to know if I have some
18 damages after the stroke.

19 Q. Did Dr. Segal examine you?

20 A. Yes.

21 Q. When you went to see Dr. Segal and you
22 told him what you just told us you told him
23 about being diagnosed as having had a heart
24 attack?

25 A. Or a stroke.

1 Y. Bejasa-Omega

2 Q. Or a stroke. Then Dr. Segal examined
3 you, correct?

4 A. Yes.

5 Q. What did he tell you after he examined
6 you?

7 A. He believes that -- he asked -- I have
8 an MRI to see if I have some damages. That I
9 have no damages on my brain or in my arteries
10 and he will speak to Dr. Warschauer.

11 Q. When did you see Dr. Segal? Did you
12 see him more than once?

13 A. Yes.

14 Q. How many times have you seen Dr.
15 Segal?

16 A. I saw him only once. The second one
17 is the x-ray -- I mean the MRI.

18 Q. When did you see Dr. Segal?

19 A. This one is January 2007. I also have
20 physical therapy.

21 MR. SAKKAS: Could I ask one
22 question? You said heart attack
23 before. I think you misspoke. Did
24 you mean to say stroke or was there an
25 issue that there was a heart attack?

1 Y. Bejasa-Omega

2 THE WITNESS: I don't think
3 it's a heart attack. It's a stroke.

4 MR. SAKKAS: Nobody said
5 anything about a heart attack, did
6 they?

7 THE WITNESS: No.

8 Q. You just made a mistake before when
9 you said heart attack, you meant to say
10 stroke?

11 A. No, I didn't say heart attack. I
12 meant to say stroke.

13 MR. ACCURSO: You said heart
14 attack.

15 THE WITNESS: I'm sorry.

16 Q. When was the last time that you saw
17 anyone for the possible stroke that you
18 suffered?

19 A. That I saw anyone?

20 Q. Was Dr. Segal the last doctor that you
21 saw because of the stroke or have you seen
22 somebody else since seeing him?

23 A. I saw Dr. Weg, my family physician. I
24 don't know if it's related to the stroke.

25 It's just something in my schedule, physical

1 Y. Bejasa-Omega

2 exam.

3 Q. Did you see anyone else specifically
4 because of the stroke since seeing Dr. Segal?

5 A. No.

6 Q. Did you have the MRI after you saw Dr.
7 Segal?

8 A. Yes.

9 Q. Where was the MRI done?

10 A. In that hospital.

11 Q. Cornell?

12 A. Cornell Hospital, New York
13 Presbyterian Cornell University. It's two
14 names. Cornell University or New York
15 Presbyterian Hospital.

16 Q. Was that MRI done the same day that
17 you saw Dr. Segal?

18 A. No.

19 Q. How long after you saw Dr. Segal was
20 that done?

21 A. A week.

22 Q. Did Dr. Segal discuss the results of
23 that MRI with you?

24 A. No.

25 Q. Did anyone discuss the results of the

1 Y. Bejasa-Omega

2 MRI with you?

3 A. The technician or the doctor that did
4 the MRI.

5 Q. What about Dr. Warschauer; did he ever
6 discuss the MRI with you?

7 A. No.

8 Q. After you had the operation to your
9 ankle, and I apologize if I already asked you
10 this, did you follow-up with a surgeon who
11 performed the ankle surgery?

12 A. Yes.

13 Q. When was the next time that you saw
14 him?

15 A. On a monthly basis.

16 Q. When you left the hospital after the
17 ankle surgery, did you have a cast on your
18 ankle?

19 A. Yes.

20 Q. What type of cast did you have on?

21 A. The same thing, like a paper mache.

22 Q. How long did you have that cast on
23 after the surgery, approximately?

24 A. I can't remember.

25 Q. Was it more than a month?

1 Y. Bejasa-Omega

2 A. Yes.

3 Q. More than three months?

4 A. Yes -- no, because after I have the
5 boots.

6 Q. When the cast was taken off, then you
7 had a boot?

8 A. Yes.

9 Q. How long did you wear the boot?

10 A. I think three months.

11 Q. After the boot was taken off, did you
12 have anything else on your ankle?

13 A. No.

14 Q. In addition to the cast, when you left
15 the hospital the day of the surgery, did you
16 have crutches or anything else to help you
17 get around?

18 A. First I have the wheelchair.

19 Q. How long did you have a wheelchair?

20 A. I have three months.

21 Q. Were you able to put any weight on
22 your left foot during this three-month
23 period?

24 A. No.

25 Q. After the wheelchair, did you have

1 Y. Bejasa-Omega

2 anything else to help you walk?

3 A. I have a walker.

4 Q. Is that a device that you hold with
5 your hands and walk with?

6 A. Yes.

7 Q. Were you able to put weight on your
8 left foot at that point?

9 A. No.

10 Q. How long did you have the walker?

11 A. Two months.

12 Q. After two months with the walker, did
13 you have any other devices to help you get
14 around?

15 A. The crutches, no. I didn't use the
16 crutches anymore. Only the walker.

17 Q. Did you use the crutches after you
18 left the emergency room on the day of the
19 accident? Remember you told us you had
20 crutches when you were released from the
21 emergency room on the day of the accident?

22 Did you use those crutches for some period of
23 time?

24 A. After the operation if I use a
25 walker -- I mean crutches. Yes. Just going

1 Y. Bejasa-Omega

2 to the bathroom.

3 Q. After the operation, were you taking
4 any pain medication?

5 A. No.

6 Q. Did you go for physical therapy for
7 any period of time?

8 A. Yes.

9 Q. When did you go for physical therapy?

10 A. Annie Black.

11 MR. ADAMS: For the record, the
12 plaintiff has handed me a business
13 card for Annie Black PT and Rehab,
14 P.C., 110-06 72nd Avenue, Suite MV2,
15 Forest Hills, New York, 11375.

16 Q. How long did you go for physical
17 therapy at Annie Black after the surgery?

18 A. Seven.

19 Q. Seven weeks?

20 A. Seven weeks. No, wait a second.

21 Seven sessions because it's twice a week.

22 Q. You went two times a week for a total
23 of seven visits?

24 A. Yes.

25 Q. What did the physical therapy consist

1 Y. Bejasa-Omega

2 of? What did you do when you went to Annie
3 Black?

4 A. Massage and then something like doing
5 the treadmills, something like a bike, and
6 then there is something like a -- I don't
7 know how you call it. Something like a
8 machine that is a little bit hot. I don't
9 know how you call that. I forgot about it.
10 I think for the nerves.

11 Q. Have you gone anywhere for physical
12 therapy since the seven sessions at Annie
13 Black?

14 A. No.

15 MR. SAKKAS: Did you do
16 physical therapy with anybody?

17 THE WITNESS: No.

18 MR. SAKKAS: Not with Gilbert?

19 THE WITNESS: No.

20 MR. SAKKAS: Gilbert is her
21 son. He is a physical therapist.

22 That's why I asked.

23 Q. Other than Dr. Tejwani and the
24 physical therapy at Annie Black, have you
25 seen any other medical providers for your

1 Y. Bejasa-Omega

2 ankle since the surgery was done?

3 A. No.

4 Q. When was the last time you saw Dr. Tejwani?

5 A. January 31st.

6 Q. Of 2007, correct?

7 A. 2007.

8 Q. Do you have any appointments to see Dr. Tejwani in the future?

9 A. Yes, October. October 3rd. I saw Dr. Tejwani on May 2nd. That's the last time.

10 Q. What, if anything, did Dr. Tejwani do the last time you saw him on May 2nd?

11 A. Another x-ray and he told me not to -- yes. He told me not to use the boots. I can use the -- oh, I have the cane. I also have the cane.

12 Q. Do you use a cane at the present time?

13 A. No.

14 Q. Did you lose any time from work as a result of this accident?

15 A. Yes.

16 Q. How long did you miss from work?

17 A. The accident happened on October 27th,

1 Y. Bejasa-Omega
2 so after that, I haven't -- October,
3 November, December, January. I came back to
4 work on February 1st. No, February 5th, I
5 think. February 5th.

6 Q. How long had you worked at the United
7 Nations before this accident?

8 A. Nineteen years.

9 Q. As of the day of the accident, what
10 was your job there?

11 A. Records assistant.

12 Q. What did you do as a records
13 assistant?

14 A. Clerical filing, filing papers,
15 lifting boxes, using a ladder, chasing files.

16 Q. Were you paid for the time that you
17 lost from work?

18 A. Yes, my regular salary.

19 Q. Did you lose any wages that you
20 weren't paid for?

21 A. Yes.

22 Q. What are you claiming in terms of lost
23 wages related to this accident?

24 A. Overtime.

25 Q. Were you on salary at the time of the

1 Y. Bejasa-Omega

2 accident or were you an hourly employee,
3 salary employee, something else?

4 A. Salary employee.

5 Q. What was your salary as of the time of
6 the accident?

7 A. I think I am \$60,000. That's a year.

8 Q. Were you also paid something for
9 overtime?

10 A. Yes.

11 Q. How did that work?

12 A. Time and-a-half.

13 Q. That is for hours over how many per
14 week?

15 A. 40.

16 Q. Did you work a certain amount of hours
17 per day?

18 A. Eight hours a day.

19 Q. If you worked more than eight hours on
20 a day, but not more than 40 hours in a week,
21 did you get any overtime for that?

22 A. I work on Saturdays.

23 Q. You receive overtime for when you work
24 on Saturdays?

25 A. Saturdays, yes.

1 Y. Bejasa-Omega

2 Q. How often in the year before this
3 accident did you receive overtime?

4 A. Before I used to work five Saturdays,
5 four Saturdays. Five Saturdays, I think.
6 After the accident I have three hours, I mean
7 three Saturdays.

8 Q. When you say five Saturdays, over what
9 period of time would you work five Saturdays?

10 A. What did you say?

11 Q. I'm trying to understand when you say
12 five Saturdays, you would work over what
13 period of time you are talking about.

14 A. 7:30 to 8:30. I mean 7:30 to 3:30.

15 Q. Those were the hours you would work on
16 Saturday?

17 A. Yes.

18 Q. In the year before this accident, how
19 many times a month would you work on
20 Saturday, if you can estimate?

21 A. I don't remember.

22 Q. How much pay would you receive if you
23 worked on a Saturday?

24 A. How much pay?

25 Q. Right.

1 Y. Bejasa-Omega

2 A. More than \$1,000.

3 Q. Per day?

4 A. No, per month.

5 MR. ACCURSO: I don't think she
6 understood that.

7 MR. SAKKAS: Do you know how
8 many Saturdays you would work in a
9 month before your accident happened in
10 a typical month?

11 THE WITNESS: It's not fixed.

12 Sometimes I work four Saturdays,
13 sometimes five Saturdays. It depends
14 on the workload, before my accident.

15 MR. SAKKAS: When you say five
16 Saturdays, meaning -- there is only
17 four Saturdays in a month.

18 THE WITNESS: There are months
19 that have five.

20 MR. SAKKAS: You might work
21 every Saturday in a month?

22 THE WITNESS: Yes.

23 Q. Since this accident, have you worked
24 any Saturdays?

25 A. After the accident, yes.

1 Y. Bejasa-Omega

2 Q. In the time between this accident on
3 October 27, 2006 and when you returned to
4 work on February 5, 2007, were you just paid
5 your regular salary?

6 A. Yes.

7 Q. You didn't receive any money for
8 overtime that you would have worked during
9 that time?

10 A. No.

11 Q. After you returned to work on
12 February 5, 2007, have you worked any
13 Saturdays?

14 A. Yes.

15 Q. Have you worked as many Saturdays as
16 you would have worked if you hadn't had this
17 accident?

18 A. Excuse me?

19 Q. Are you claiming that you haven't
20 worked as many Saturdays since you returned
21 to work or have you worked the same number of
22 Saturdays that you would have worked?

23 A. I worked three Saturdays after my
24 accident when I came back from work.

25 Q. Is that because of your injury or is

1 Y. Bejasa-Omega

2 that just the number of Saturdays that you
3 worked?

4 A. That's all I want to ask them. It
5 depends on how many hours I want to work.
6 Three because I need some rest.

7 Q. Sure. Has any doctor told you to cut
8 back on the number of Saturdays that you
9 work?

10 A. No.

11 Q. Were you working anywhere else other
12 than the U.N. at the time of this accident?

13 A. No.

14 Q. Do you have any physical complaints at
15 the present time with regard to your left
16 ankle?

17 A. Yes.

18 Q. What are they?

19 A. I have a lot of pain and sometimes I
20 can't sleep because of the pain. The pain is
21 not concentrated on a day. It can happen any
22 hour. Doesn't mean just at the evening or
23 the morning. It just comes.

24 Q. Are you taking any medication for the
25 pain in your ankle?

1 Y. Bejasa-Omega

2 A. No.

3 Q. Is the pain constant or does it vary?

4 A. Constant.

5 Q. Are there any physical activities that
6 you can't do or that you can't do as well
7 because of the problem with your ankle?

8 A. Is there --

9 Q. Is there any physical activities you
10 can't do because of your ankle?

11 A. Yes.

12 Q. What?

13 A. At work I can no longer climb the
14 ladder and I cannot -- I am having a hard
15 time using the stairs up and down, and I am
16 still limping, and I cannot run.

17 Q. Did you run recreationally or for
18 exercise before this accident?

19 A. Yes.

20 Q. How much did you run before this
21 accident?

22 A. The run is not like you are a runner.
23 But during -- sometimes in the subway you
24 have to run to catch the train and sometimes
25 you know the MTA asks you to vacate the

1 Y. Bejasa-Omega
2 platform because there is something like a
3 bag, you know, that doesn't look good. They
4 may have a bomb or something. They ask us to
5 run outside.

6 MR. SAKKAS: That is running
7 when circumstances are required?

8 THE WITNESS: Yes.

9 MR. SAKKAS: But running, going
10 to a track and jogging, do you do
11 that?

12 THE WITNESS: No. To catch the
13 subway, to run after the subway, or
14 probably playing with my
15 grandchildren --

16 Q. Do you have any --

17 A. And --

18 Q. I'm sorry, go ahead.

19 A. After the accident they have to carry
20 me to get into the car.

21 Q. Was that immediately after the
22 accident?

23 A. Yes.

24 Q. Do you have any physical complaints at
25 the present time that you relate to the

1 Y. Bejasa-Omega

2 stroke symptoms that had you hospitalized at
3 North Shore University Hospital?

4 A. Can you elaborate?

5 Q. Are you having any problems at the
6 present time that you relate to the stroke
7 that you said you had when you were admitted
8 to North Shore Hospital?

9 A. Yes, once in a while I feel dizzy and
10 sometimes I can see myself, I am tartering,
11 and forgetfulness.

12 Q. When you say "tartering," do you mean
13 you feel a loss of balance or do you mean
14 something else?

15 A. I can feel that sometimes I am losing
16 my balance and the way I am talking, I say
17 tartering sometimes, you know.

18 MR. ACCURSO: Do you mean
19 stuttering?

20 THE WITNESS: Yes.

21 Q. When I said tartering before, did I
22 misunderstand you and you really meant
23 stuttering?

24 A. Yes.

25 Q. Any other problems at the present time

1 Y. Bejasa-Omega

2 that you relate to this stroke that you
3 mentioned earlier?

4 A. No.

5 Q. Do you have my appointments at the
6 present time to see anybody for the symptoms
7 that you relate to the stroke?

8 A. No.

9 Q. Are you taking any medication at the
10 present time for any of the symptoms that you
11 relate to the stroke?

12 A. Wait a second. I am seeing my regular
13 cardiologist monthly. Actually not monthly.
14 When was the last time I saw him? I have a
15 schedule. Next week, I think. I think every
16 six months. That is my cardiologist.

17 Q. That is Dr. Warschauer?

18 A. Yes, Dr. Warschauer.

19 Q. Were you seeing Dr. Warschauer on a
20 regular basis before the motor vehicle
21 accident?

22 A. Yes.

23 Q. How often were you seeing him before
24 that?

25 A. About twice a year.

1 Y. Bejasa-Omega

2 Q. At the present time, how often do you
3 see him?

4 A. At the present? I have January and I
5 have March, I have June, and August.

6 Q. I apologize if you already told us
7 this. Do you have an appointment to see Dr.
8 Warschauer at the present time? Do you have
9 an appointment to see Dr. Warschauer?

10 A. Yes, on August 9th. No, August 16th.

11 Q. Do you have any appointments to see
12 Dr. Segal?

13 A. No.

14 Q. Other than Dr. Warschauer, do you have
15 any appointments to see any other medical
16 doctors for symptoms that you relate to the
17 stroke that you were hospitalized for?

18 A. No.

19 Q. Did you ever injure your left ankle
20 before this accident?

21 A. No.

22 Q. Have you had any injuries to your left
23 ankle since this accident?

24 A. No.

25 Q. Did you ever have a stroke before this

1 Y. Bejasa-Omega

2 occurrence?

3 A. No.

4 Q. Have you had any incidents that you
5 believe to be a stroke since you were
6 released from North Shore University
7 Hospital?

8 A. No.

9 MR. ADAMS: I don't think I
10 have anything further.

11 MR. ACCURSO: I would like to
12 speak to the lawyers for a few
13 minutes.

14 (Whereupon, a brief recess was
15 taken.)

16 MR. ADAMS: Thank you, ma'am.
17 I don't have any further questions at
18 this time.

19 We will request, and I will
20 follow-up in writing, that we be
21 provided with authorizations to obtain
22 the records from your cardiologist,
23 Dr. Warschauer and from Dr. Segal and
24 we would also request an authorization
25 being provided for employment records

1 Y. Bejasa-Omega
2 from the United Nations, but other
3 than that, I have no further questions
4 at this time.

5 REQUEST NOTED:

6 MR. SAKKAS: Thank you. I have
7 no objection to that and we will get
8 you those authorizations. As a matter
9 of fact, before we go, can we make
10 copies of some of these business
11 cards?

12 THE WITNESS: Yes.

13 MR. SAKKAS: If you wouldn't
14 mind to put that in writing just to
15 remind me and have a list that would
16 be helpful to me if that would be
17 possible.

18 MR. ACCURSO: There may or may
19 not be a causally related stroke to
20 the accident at issue here. If there
21 is a case, I am going to reserve my
22 right to take a further deposition of
23 Mrs. Omega depending our receipt of
24 the appropriate records. We learned
25 today she has seen a neurologist named

1 Y. Bejasa-Omega
2 Dr. Segal and also a cardiologist
3 whose relation to the stroke issue
4 isn't quite clear yet.

5 We call for production of those
6 records at least and if counsel would
7 advise us, if he would advise us
8 whether or not he is going to continue
9 with a claim of a causally related
10 stroke, then we can determine whether
11 or not we need Mrs. Omega to return to
12 the deposition.

13 EXAMINATION BY

14 MR. ACCURSO:

15 Q. Ms. Omega, my name is Nicholas
16 Accurso. I represent PV Holding Corp in this
17 lawsuit. I have a few questions to ask.

18 Ma'am, you testified that as a result
19 of the stroke that you had sometime in
20 November you have some memory problems; is
21 that correct?

22 A. Yes.

23 Q. Those memory problems that you have,
24 do they prevent you, prohibit you, or inhibit
25 you in any way from remembering the facts and

1 Y. Bejasa-Omega

2 circumstances of the accident?

3 A. No.

4 Q. The testimony that you have given, the
5 questions that were asked by Mr. Adams and
6 you answered, is your memory at all impaired
7 or your ability to remember the answers to
8 the questions that Mr. Adams gave you
9 impaired by any means by your physical
10 condition?

11 A. I can't -- can you repeat?

12 Q. Let me rephrase that. Basically what
13 I am trying to ask you is Mr. Adams has asked
14 you a series of questions. You gave your
15 answers based upon your best available
16 memory, correct?

17 A. Yes.

18 Q. Did the stroke have any effect, to
19 your knowledge, on your ability to answer Mr.
20 Adams's questions?

21 A. No.

22 Q. Very good. Sitting here today, have
23 you taken any medication?

24 A. For the stroke?

25 Q. For whatever reason, any medication

1 Y. Bejasa-Omega

2 whatsoever?

3 A. I am taking Coumadin, I'm taking
4 Toprol, I am taking Meclizine. Do you need
5 all the medicines that I have taken?

6 Q. Yes.

7 A. I have a list of my medicines. It's
8 here.

9 I have Imitrex, I have Toprol, I am
10 taking Vytorin, OSCAL, and Warfarin. That's
11 Coumadin.

12 Q. Is that a form of Coumadin?

13 A. Warfarin and Coumadin is the same.

14 Q. That was a list. Let me see if I have
15 it correct.

16 Ma'am, currently as of today's date,
17 you are taking Coumadin, Toprol, Imitrex?

18 A. What is that?

19 Q. Coumadin, Toprol, Imitrex, Vytorin,
20 and OSCAL.

21 A. O-S-C-A-L. I am taking also Fosamax,
22 and I have also Meclizine, M-E-C-L-I-Z-I-N-E.

23 Q. Is that it?

24 A. Yes.

25 Q. Did you take those medications today

1 Y. Bejasa-Omega

2 before you testified?

3 A. No, nothing. No, I didn't take any.

4 Q. There is no medications that you took
5 today that could possibly cloud your memory
6 or the events we have discussed here today?

7 MR. ACCURSO: Madam Reporter,
8 can you read that back?

9 (Whereupon, the record was read by
10 the reporter.)

11 A. No.

12 Q. Can you describe for us what your
13 educational background is?

14 A. Education background?

15 Q. Yes.

16 A. I have a college degree. I graduated
17 from the Philippines.

18 Q. From where?

19 A. The Philippines.

20 Q. What was the name of the school?

21 A. University of the East.

22 Q. Of the East?

23 A. Yes, East. Business administration
24 major in banking and business.

25 Q. Banking and what else?

1 Y. Bejasa-Omega

2 A. Finance, business.

3 Q. When did you obtain that degree?

4 A. I think probably '69, '70.

5 Q. Did you ever do any studying in a
6 formal basis in the United States?

7 A. No.

8 Q. Is that the only degree that you have,
9 a B.A. in banking and finance from the
10 University of the East?

11 A. Yes.

12 Q. Do you have children?

13 A. Yes.

14 Q. How many?

15 A. I have six pregnancies, I have one
16 miscarriage. I have five living children.

17 Q. Could you tell us their names and
18 ages, please?

19 A. Sure. My eldest is Rochellyn
20 Omega-Godoy. She was born -- she was born
21 July 29, 1971. Gilbert Omega, August 3,
22 1972. Jennifer Omega-Lauron, November 14,
23 1975. Cheryl Omega, July 1, 1981. Michael
24 Omega, September 9th, I think 1983.

25 Q. Ma'am, your name is Yolanda

1 Y. Bejasa-Omega

2 Bejasa-Omega. Is Bejasa your maiden name?

3 A. Yes.

4 Q. Besides being known as Yolanda

5 Bejasa-Omega and Yolanda Bejasa, have you

6 been known by any other name?

7 A. No.

8 Q. How many grandchildren do you have?

9 A. Wait a second. I have five children
10 and I have one stepson. So, I have two from
11 my son and two from my daughter.

12 Q. Four grandchildren?

13 A. If I would include my stepson, it
14 would be six.

15 Q. Six grandchildren?

16 A. Yes.

17 Q. How many live in the New York
18 metropolitan area?

19 A. How many?

20 Q. Live in New York?

21 A. They all live in New York, except my
22 stepson.

23 Q. The area where you had your accident,
24 were you familiar with that street?

25 A. Yes.

1 Y. Bejasa-Omega

2 Q. Is that street a street that you cross
3 on a daily basis to get to work?

4 A. Yes.

5 Q. You have been working for the United
6 Nations for nineteen years before the
7 accident?

8 A. Yes.

9 Q. For nineteen years, have you crossed
10 that same street?

11 A. Yes.

12 Q. You have to forgive me because I don't
13 really know New York City. I'm a county boy;
14 okay? Second Avenue where the accident
15 occurred, does that run north, is it a
16 two-way street or --

17 A. One-way.

18 Q. I think you said there were four
19 lanes, right?

20 A. Four lanes.

21 Q. Are those lanes separated by dotted,
22 white lines?

23 A. No.

24 Q. Just nothing on the street?

25 A. Actually I can't remember if there is

1 Y. Bejasa-Omega

2 dividing lines. I can't remember. I only
3 remember the walk sign, the walk line.

4 Q. We'll talk about that in a second.

5 A. Do you drive?

6 Q. No.

7 A. Does your husband drive?

8 Q. Yes.

9 A. Were you ever a passenger in a vehicle
10 on Second Avenue?

11 Q. I'm sorry?

12 A. Were you ever a passenger in a vehicle
13 on Second Avenue?

14 Q. No.

15 Q. Is there any parking on Second Avenue
16 or lanes for parking?

17 Q. Yes.

18 Q. Are they on both sides of the street?

19 A. Both sides. Some people park, but I
20 don't think -- certain times they can park
21 there, but not all the time they can park
22 there.

23 Q. Let's talk about when you were there
24 when the accident occurred. Were there cars
25 parked on both sides of the street, one side,

1 Y. Bejasa-Omega

2 or something else?

3 A. I can't remember.

4 Q. I think, but I don't want to
5 mischaracterize your testimony, that you said
6 Second Avenue runs one-way in a southbound
7 direction?

8 A. Yes.

9 Q. The other street where the accident
10 happened was 44th Street?

11 A. Yes.

12 Q. Is that a two-way street or one-way
13 street?

14 A. 44th Street is one-way.

15 Q. Is that westbound direction or
16 eastbound direction?

17 A. Westbound, but the car that hit me was
18 going south, turning right.

19 Q. We'll get to that.

20 A. Okay.

21 Q. Westbound direction, right?

22 A. East.

23 Q. Eastbound direction. How many lanes
24 of traffic on 44th Street?

25 A. How many traffic on 44th Street?

1 Y. Bejasa-Omega

2 Q. Moving lanes.

3 A. What do you mean how many?

4 Q. How many lanes of traffic in an
5 eastbound direction are there on 44th Street;
6 is it a two lane street, three lane street,
7 four lane street?

8 A. It could be I think three.

9 Q. Do you remember any cars parked on
10 either side of 44th Street where your
11 accident occurred?

12 A. Where the accident -- the accident
13 there is no car.

14 Q. No parking?

15 A. Where I am standing to cross there is
16 no car.

17 Q. When you were standing on the corner,
18 if you looked to your right, there would be
19 no cars. If you looked to your left, there
20 would be no cars?

21 A. No.

22 Q. No cars parked?

23 A. Right.

24 Q. Did the bus drop you off on Third
25 Avenue?

1 Y. Bejasa-Omega

2 A. Yes.

3 Q. From Third Avenue to Second Avenue
4 where the accident occurred, what compass
5 direction did you have to walk; do you know?

6 A. Going east.

7 Q. You went east, right?

8 A. Yes.

9 Q. You were walking in an eastbound
10 direction when the accident occurred,
11 correct?

12 A. Yes.

13 Q. Just before the accident occurred,
14 were you on the west side of the intersection
15 crossing to the east side?

16 A. Can I show it to you? I am confused
17 of the east and the west and the south.

18 Q. You know you were walking in an
19 eastbound direction, right?

20 A. I'm walking towards east. So I am in
21 the south side of the corner.

22 Q. I understand. You are on the south
23 side of the corner. Would it also be the
24 southwest side of the corner?

25 A. No, west side.

1 Y. Bejasa-Omega

2 Q. Yes, because are you walking to the
3 east --

4 A. I am walking from the west to the
5 east.

6 Q. Would it be the southwest corner of
7 the intersection?

8 A. Yes, you can say that. West and east,
9 west and south.

10 Q. When you are at that southwest corner
11 looking straight towards the east, which way
12 is traffic flowing; is traffic flowing from
13 your left to your right or your right to your
14 left?

15 A. The traffic is coming from my left,
16 coming from my left.

17 Q. Coming from your left?

18 A. Yes.

19 Q. Did there come a point in time when
20 you saw the pedestrian signal that was facing
21 you as you were looking straight east?

22 A. What is it again?

23 Q. As you were walking across the street,
24 did there come a point in time when you saw
25 the pedestrian signal that controlled your

1 Y. Bejasa-Omega
2 direction of pedestrian traffic? Let me ask
3 a better question. When you first saw the
4 pedestrian signal, walk/don't walk --

5 A. The walk sign?

6 Q. Yes. What did it say?

7 A. It said walk.

8 Q. That's when you first saw it?

9 A. Yes.

10 Q. It never said "don't walk," correct?

11 A. Yes.

12 Q. When it said "walk" was it a steady
13 white walk, or a flashing walk, or something
14 else?

15 A. It's steady. The white sign.

16 Q. I think you testified about this. Did
17 you stop at the corner for a period of time
18 before you went into the intersection?

19 A. Yes.

20 Q. When you were stopped on that corner,
21 were there any people to your left, any
22 pedestrian traffic to your left?

23 A. I can't remember.

24 Q. Were there any pedestrians to your
25 right?

1 Y. Bejasa-Omega

2 A. I can't remember, but I think there is
3 not.

4 Q. How about in front of you; any
5 pedestrians in front of you?

6 A. Not in front of me, nobody.

7 Q. When you first stopped, were there any
8 pedestrians already in the crosswalk walking
9 across the street?

10 A. What is it?

11 Q. When you stopped at the corner, did
12 you see any pedestrians walking in front of
13 you?

14 A. Yes, but far from me. It's not very
15 close. They are almost on the other side.

16 Q. When you were stopped at that
17 intersection, did you look to your left?

18 A. No.

19 Q. When you were stopped at the
20 intersection, did you look to your right?

21 A. No.

22 Q. From the time you walked, you put your
23 foot into the street, until the time the
24 vehicle made an impact, did you ever look to
25 either your left or your right?

1 Y. Bejasa-Omega

2 A. I can't remember.

3 Q. When you were standing on the corner
4 before you went into the intersection, was
5 there anything obstructing your view of the
6 intersection?

7 A. I can't remember.

8 Q. Before you stepped into the
9 intersection, was there any automobile
10 traffic that you had to wait for?

11 A. No.

12 Q. Did you see any cars on 44th Street
13 make a right-hand turn onto Second Avenue?

14 A. No.

15 Q. You walked across the first lane of
16 traffic before the first lane of traffic on
17 Second Avenue before the accident occurred,
18 correct?

19 A. What is it again?

20 Q. As you walked across Second Avenue,
21 you crossed the first lane of southbound
22 traffic on Second Avenue, nothing happened to
23 you, no accident, correct?

24 A. No, I think I was hit after the first
25 lane.

1 Y. Bejasa-Omega

2 Q. I think, I don't want to put words in
3 your mouth, I am going by Mr. Adams'
4 questions. I think you said you were almost
5 out of the second lane entirely before the
6 accident.

7 A. No, I think I missaid that. I am
8 still on the other sides in the first two
9 lanes. Not on that side yet. The first two
10 lanes.

11 Q. Had you completely gotten past the
12 first lane of traffic and into the second
13 lane when the accident occurred?

14 A. I think I was in the middle of the
15 first and the second. The first and the
16 second. I am sure that I am not in the
17 first.

18 Q. You are past the first and perhaps
19 halfway or so into the second?

20 A. Yes, I think I am on that side,
21 westbound between first and second.

22 Q. At any time during that, when you were
23 in that span, did you hear any cars
24 approaching?

25 A. No.

1 Y. Bejasa-Omega

2 Q. The vehicle that hit you, do you know
3 what street it was on just before it hit you?

4 A. If I know?

5 Q. Right.

6 A. No.

7 Q. Was that vehicle turning from 44th
8 Street onto Second Avenue?

9 MR. SAKKAS: Objection to form.
10 She said she didn't know where it was
11 coming from.

12 Q. When you first saw that vehicle, was
13 it in the southbound lanes of Second Avenue?

14 MR. SAKKAS: Objection.

15 A. No.

16 MR. SAKKAS: Hold on a second.
17 She said she became aware of the
18 vehicle when it hit her.

19 Q. When that vehicle hit you, was that
20 vehicle on Second Avenue?

21 A. Yes, because Second Avenue -- he will
22 be in the Second Avenue.

23 Q. When he hit you, his car was facing
24 the southbound direction?

25 A. Yes.

1 Y. Bejasa-Omega

2 Q. Could you describe for me what the
3 weather was like on the day of the accident?

4 A. Sunny.

5 Q. The roads were dry and clear?

6 A. Yes.

7 Q. Do you know if the police officer ever
8 issued a traffic citation to the driver of
9 the vehicle that hit you?

10 A. What is it again?

11 Q. Did the police officer give the driver
12 of the vehicle that hit you a traffic ticket?

13 A. I would say I don't know. I didn't
14 see. I didn't pay attention to that.

15 Q. Did the driver of the vehicle that hit
16 you ever indicate which way he was going in
17 the intersection if the accident didn't
18 happen?

19 A. No.

20 Q. When the contact was made with your
21 body, was there any person around you or who
22 was the closest person to you after the
23 accident?

24 A. Nobody.

25 Q. Nobody was around you?

1 Y. Bejasa-Omega

2 A. No.

3 Q. When you first saw the traffic light
4 saying walk, and as you made your way into
5 the intersection, did you have the
6 opportunity to observe the pedestrian signal
7 again?

8 A. No.

9 Q. When the impact was made to your body,
10 was it to the left side of your body or the
11 right side?

12 A. The left side.

13 Q. Did the driver of the vehicle that hit
14 you, did he ever tell you why or offer any
15 explanations as to why he hit you?

16 A. No.

17 Q. Did he apologize for hitting you?

18 A. He said, "I'm sorry."

19 Q. Do you know what the rate of speed
20 that vehicle was traveling when it hit you?

21 A. What is it?

22 Q. Do you know how fast that vehicle was
23 traveling when it hit you?

24 A. No.

25 Q. Ma'am, you said on the date of the

1 Y. Bejasa-Omega

2 accident you were taking Coumadin, correct?

3 A. Yes.

4 Q. Under whose guidance or what doctor
5 prescribed Coumadin for you?

6 A. Dr. Warschauer.

7 Q. He is your cardiologist, right?

8 A. Yes.

9 Q. How long before the accident had Dr.
10 Warschauer been your cardiologist?

11 A. I can't remember.

12 Q. Was it more than a year, less than a
13 year?

14 A. I can't remember.

15 Q. Did you have a cardiologist before Dr.
16 Warschauer?

17 A. No.

18 Q. Was there any specific reason why you
19 went to see a cardiologist?

20 A. No.

21 Q. Was it just for a usual checkup?

22 A. Yes.

23 Q. Do you know when you first saw Dr.
24 Warschauer for a checkup; do you know when
25 that was before the accident?

1 Y. Bejasa-Omega

2 A. Probably I have been seeing him for
3 three years already. I have been seeing him
4 for a long time, but I can't remember how
5 long.

6 Q. Did Dr. Warschauer, before the
7 accident, did he do tests?

8 A. Yes.

9 Q. What type of tests?

10 A. Stress tests, EKG, and something like
11 an MRI of the heart. I don't know the
12 medical term.

13 Q. Again, were you having any symptoms of
14 heart trouble that caused Dr. Warschauer to
15 order these tests or part of a regular
16 checkup?

17 A. Just part of a regular checkup.

18 Q. What did he tell you after you had
19 these tests?

20 A. I am okay.

21 Q. He prescribed you Coumadin, correct?

22 A. That's only preventive.

23 Q. What was the Coumadin designed to
24 prevent?

25 A. Blood clot. That's a blood thinner.